



Local Plan Legal Compliance Checklist

This checklist has been updated for PAS by SNR Denton. It supersedes the previous checklist and is based on **Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012**. It should be used with the Soundness Self Assessment Checklist (also updated January 2013).

Remember that the evidence you provide to support your plan should be relevant and proportionate. Please don't use this checklist as a reason to assemble more than is needed.

Glossary:

"Act" means the **Planning and Compulsory Purchase Act 2004 (as amended)**

"NPPF" means the **National Planning Policy Framework** published March 2012

"Regulations" means the **Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012**

LDS means **Local Development Scheme**

SCI means **Statement of Community Involvement**

DPD means **Development Plan Document**

Stage one: The early stages

Where the 'possible evidence' column refers to a document that will not be complete until a later stage (for example, the sustainability appraisal report), documents that will contribute to that report are relevant at the earlier stages. This way, the submitted report provides the evidence at submission, with an audit trail back to its source.

In terms of legal compliance, the main issues for the early stage are in relation to:

- planning for community engagement
- planning the sustainability appraisal (including consultation with the statutory environment consultation bodies)
- identifying significant cross boundary and inter-authority issues
- ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.



Regulation 17 notes that a statement setting out which bodies and people the council invited to make representations under Regulation 18 is one of the proposed submission documents. In this tool, the term 'consultation statement' is used to describe this statement.

Section 33A of the Act (introduced by the Localism Act 2011) introduces a duty to cooperate as a mechanism to ensure that local planning authorities and other bodies engage with each other on issues which are likely to have a significant effect on more than one planning area. This pervades every stage of the plan preparation. A plan may be found unsound if a council cannot show that it has taken reasonable steps to comply with the duty.

Stage one: The beginning

Activity	Legal requirement	Council response	Evidence provided
1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?	The Act section 15(2) and section 19(1)	Yes.	BHLS14 – Waltham Forest Local Development Scheme 2013-2016
2. How will community engagement be programmed into the preparation of the DPD?	The Act section 19(3) Regulation 18	<p>The Council's Statement of Community Involvement (SCI), which was adopted in June 2007, sets out how community engagement will be programmed into all development plan documents.</p> <p>In line with this, consultation has been carried out on an 'issues' leaflet, (March 2011) 'preferred options paper' (August 2011), and proposed submission document (Feb 2012)</p> <p>The document has been widely publicised through correspondence with consultees on the Council's LDF database. The Council uses the Limehouse consultation system.</p> <p>In addition the Council has organised and</p>	<p>BHLS20 - Statement of Community Involvement</p> <p>BHLS4 - AAP Issues leaflet – March 2011 (copies included in Blackhorse Lane AAP – Statement of Consultation – Regulation 22(1)(c)(v)</p> <p>BHLS15 – Blackhorse Lane AAP – Preferred Options Document (section 1.2 summarises consultation up to this point)</p> <p>BHLS16 – Blackhorse Lane AAP Preferred Options Public Consultation Report</p> <p>BHLS4 – Blackhorse Lane AAP Statement of Consultation – Regulation</p>

Activity	Legal requirement	Council response	Evidence provided
		attended consultation events and public meetings at each stage.	22(1)(c)
3. Have you considered the appropriate bodies you should consult?	Regulation 18	Yes. The SCI sets out the range of individuals and organisations that would be consulted on the development plan. The Council maintains a database of consultees. The 'issues' paper leaflet has been an important exercise in maintaining this database. Relevant individuals and organisations have been informed directly at all stages of the development of the AAP; either by letter or email.	<p>BHLS20 - Statement of Community Involvement</p> <p>BHLS4 - AAP Issues leaflet – March 2011 (copies included in Blackhorse Lane AAP – Statement of Consultation – Regulation 22(1)(c)(v))</p> <p>BHLS4 – Blackhorse Lane AAP Statement of Consultation – Regulation 22(1)(c)</p>
4. How you will co-operate with other local planning authorities, including counties, and prescribed bodies, to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?	<p>The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) & (4)</p> <p>The Act Section 20(5)(c)</p> <p>Regulation 4</p>	The Councils approach to involving neighbouring authorities, and prescribed bodies, on strategic priorities affecting other planning areas, are set out in the duty to co-operate statement.	BHLS13 – Blackhorse Lane AAP Duty to Co-operate Statement
5. How you will co-operate with any local enterprise	The Act section 33A(1)(c) and	The Councils approach to involving partnerships on strategic priorities is set	BHLS13 – Blackhorse Lane AAP Duty

Activity	Legal requirement	Council response	Evidence provided
<p>partnerships (LEP) or local nature partnerships (LNP) to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p>	<p>section 33A(9), section 33A(3)(d) and (e)</p> <p>The Act section 20(5)(c).</p> <p>Regulation 4</p>	<p>out in the duty to co-operate statement.</p>	<p>to Co-operate Statement</p>
<p>6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?</p>	<p>The Act section13</p>	<p>Yes. Baseline information on a wide range of data have been collected and monitored to ensure the AAP is relevant, achievable, and effective. This is all reported in the Annual Monitoring Report.</p> <p>In addition, the AAP has a large evidence base that has been gathered during the preparation of the plan to inform its content. All relevant evidence is cited in Appendix 1 of the final AAP.</p>	<p>KE189 – Waltham Forest Annual Monitoring Report 2012-13</p> <p>BHLSD1 – Blackhorse Lane AAP Proposed Submission (Appendix 1)</p>
<p>7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability</p>	<p>The Act section19(5)</p>	<p>Sustainability Appraisal has informed the AAP throughout its development. Baseline information on key sustainability issues was identified in the scoping report, and the has has been used to develop sustainability objectives to</p>	<p>BHLSD17 – Blackhorse Lane AAP Preferred Options Sustainability Appraisal Report</p> <p>BHLSD8 – Blackhorse Lane AAP</p>



planning advisory service

Activity	Legal requirement	Council response	Evidence provided
appraisal?		assess the plan against. Sustainability appraisals reports have been produced at the Preferred Options and Proposed Submission stages.	Proposed Submission Sustainability Appraisal Report
8. Have you consulted the statutory environment consultation bodies for five weeks on the scope and level of detail of the environmental information to be included in the sustainability appraisal report?	Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.	<p>Yes. The statutory bodies were consulted between June-September 2008 on the initial SA Scoping Report.</p> <p>A copy of letters sent to consultees during each stage of the preparation of the AAP is included in the Consultation Statement</p>	BHLS4 – Blackhorse Lane AAP Statement of Consultation – Regulation 22(1)(c)



Stage two: Plan preparation - frontloading phase

Information assembled during this phase contributes to:

- showing that the procedures have been complied with
- demonstrating cooperation with statutory cooperation bodies
- developing alternatives and options and appraising them through sustainability appraisal and against evidence.

The council should record actions taken during this phase as they will be needed to show that the plan meets the legal requirements. They will also show that a realistic and reasonable approach has been taken to plan preparation.



planning advisory service

Stage two: Plan preparation

Activity	Legal requirement	Council response	Evidence provided
<p>1. Have you notified:</p> <ul style="list-style-type: none"> • the specific consultation bodies? • the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents? 	<p>Regulation 18(1) and (2)(a) (b)</p>	<p>Yes. The Regulation 22 (1) (c) Consultation Statement lists all those consulted throughout the preparation of the plan. The appendices included in this report contain sample copies of the consultation letters sent.</p> <p>A consultation report was also published at both the Preferred Options stage.</p>	<p>BHLS4 – Blackhorse Lane AAP Statement of Consultation – Regulation 22(1)(c)</p> <p>BHLS16 – Blackhorse Lane AAP Preferred Options Public Consultation Report</p>
<p>2. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?</p>	<p>Regulation 18(1) and (2)(c)</p>	<p>Yes. The Council holds a database of consultees including residents, businesses, and other stakeholders that has been refined through the development of the AAP. These consultees have been informed by email or letter directly at all stages of plan preparation work. In addition, letters were posted to residents and businesses directly affected by key opportunity sites at the Preferred Options stage.</p> <p>The consultation report includes the</p>	<p>BHLS4 – Blackhorse Lane AAP Statement of Consultation – Regulation 22(1)(c)</p> <p>BHLS16 – Blackhorse Lane AAP Preferred Options Public Consultation Report</p>



planning advisory service

Activity	Legal requirement	Council response	Evidence provided
		names of individual and organisations who responded to consultation.	
3. Are you engaging with stakeholders responsible for delivery of the strategy?	Regulation 18	Yes. The delivery of the strategy is largely dependent on the actions of private developers – who have been engaged throughout the development of the document, and are broadly supportive of its objectives and principles.	<p>BHLS4 – Blackhorse Lane AAP Statement of Consultation – Regulation 22(1)(c)</p> <p>BHLS16 – Blackhorse Lane AAP Preferred Options Public Consultation Report</p>
4. Are you taking into account representations made?	Regulation 18(3)	The Council has taken into consideration feedback from the community at each stage of the consultation. The consultation report set out how the Council has taken submitted comments into account, and provides reasons for changes made.	<p>BHLS4 – Blackhorse Lane AAP Statement of Consultation – Regulation 22(1)(c)</p> <p>BHLS16 – Blackhorse Lane AAP Preferred Options Public Consultation Report</p>
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	<p>The Act section 19(5)</p> <p>Regulations 12 and 13 of The Environmental Assessment of</p>	<p>Consultation responses have been considered throughout the development of the AAP, as set out in the consultation statements published at each stage.</p> <p>Sustainability appraisal has also been</p>	<p>BHLS16 – Blackhorse Lane AAP Preferred Options Public Consultation Report</p> <p>BHLS4 – Blackhorse Lane AAP Statement of Consultation – Regulation 22(1)(c)</p>

Activity	Legal requirement	Council response	Evidence provided
	Plans and Programmes Regulations 2004 No 1633	undertaken at each stage of the AAP process, and been made available for comment. This has helped in evaluating the effects of policies and proposals.	<p>BHLS17 – Blackhorse Lane AAP Preferred Options Sustainability Appraisal Report</p> <p>BHLS8 – Blackhorse Lane AAP Proposed Submission Sustainability Appraisal Report</p>
<p>6. Is the participation:</p> <ul style="list-style-type: none"> • following the principles set out in your SCI? • integrating involvement with the sustainable community strategy? • proportionate to the scale of issues involved in the DPD? 	The Act section19(3)	<p>Consultation on the AAP has been carried out in accordance with the SCI.</p> <p>The AAP is in conformity with the Core Strategy; which is itself the Councils spatial interpretation of the Sustainable Community Strategy.</p> <p>In addition to written consultation, the Council has organised and undertaken consultation events and public meetings throughout the plan making process.</p>	<p>BHLS20 - Statement of Community Involvement</p> <p>KE11 – Our Place in London – Waltham Forest Sustainable Community Strategy</p> <p>BHLS4 – Blackhorse Lane AAP Statement of Consultation – Regulation 22(1)(c)</p>
<p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> • the individuals or bodies invited to make 	The Act section20(3) Regulation 17	A summary of all representations made throughout the preparation of the AAP has been recorded and publicly made available at Waltham Forest libraries	BHLS4 – Blackhorse Lane AAP Statement of Consultation – Regulation 22(1)(c)

Activity	Legal requirement	Council response	Evidence provided
representations? <ul style="list-style-type: none"> • how this was done? • the main issues raised? 		and on the Council's website.	
8. Are you inviting representations on issues that would have significant impacts on both your areas from another local planning authority? Or county issues from an affected county council that is not a planning authority? Or significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c)?	The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9) The Act section 20 (5)(c)	The Councils approach to involving neighbouring authorities, and prescribed bodies, on strategic priorities affecting other planning areas, are set out in the duty to co-operate statement.	BHLS13 – Blackhorse Lane AAP Duty to Co-operate Statement
9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?	The Act section 33A(1)(c) and Section 33A(9). The Act section 20(5) (c). Regulation 4	The Councils approach to involving partnerships on strategic priorities is set out in the duty to co-operate statement.	BHLS13 – Blackhorse Lane AAP Duty to Co-operate Statement



planning advisory service

Activity	Legal requirement	Council response	Evidence provided
10. Are you developing a framework for monitoring the effects of the DPD?	The Act section 35 Regulation 34 Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363	A monitoring framework is included at the end of the AAP. This includes details of targets and indicators; which will be monitored through the Councils Annual Monitoring Report	BHLSD1 – Blackhorse Lane AAP Proposed Submission



Stage three: Plan preparation - formulation phase

This stage has many legal matters, for process and content, to address. The council should be beginning to formulate the preferred strategy for the local plan or supplementary planning document with which the council chooses to address Regulation 18 requirements, using the information gathered and previous collaborative work with stakeholders.

Para 182 of the NPPF makes it clear that explicit consideration of alternatives is a key part of the plan making process.

You should evaluate the reasonable alternatives identified in 'stage two: frontloading phase – plan preparation' phase against the:

- completed body of information from evidence gathering
- results of sustainability appraisal
- findings from community participation
- findings from engagement with statutory cooperation bodies.

This may be written up as a preferred strategy report. The results of participation on the preferred strategy and an accompanying sustainability report will enable the council to gauge the community's response and receive additional evidence about the options. The council can then decide whether, and how, the preferred strategy and policies should be changed for publishing the finished DPD.

Alternatives developed from the evidence and engagement during the frontloading stage need to be appraised to decide on the preferred strategy. Participation will also need to be carried out on it.

These matters need to be considered, and dealt with, in good time, and not left until publication. Supporting documents will assist in providing evidence that decisions on alternatives and strategy are soundly based. These documents will, in due course, become part of the proposed submission documents in stage four.

The council should tell all parties that this is the main participation opportunity on the emerging plan. The publication stage will not be a participation or consultation process. The publication stage is a formal opportunity for anyone to comment on an aspect of the DPD's soundness. The more effectively this message is put across, the lower the chance of late changes being brought forward following publication.

Stage three: Plan preparation – writing the plan

Activity	Statutory requirement	Council response	Evidence provided
<p>1. Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?</p>	<p>Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633</p>	<p>Yes. Sustainability Appraisal has been undertaken throughout the development of the document. The Proposed Submission Sustainability Appraisal Report sets out why alternative policy options and site options have been discounted.</p>	<p>BHLSD8 – Blackhorse Lane AAP Proposed Submission Sustainability Appraisal Report</p> <p>BHLSD16 – Blackhorse Lane AAP Preferred Options</p>
<p>2. Have you assessed alternatives against:</p> <ul style="list-style-type: none"> • consistency with national policy? • general conformity with the regional spatial strategy where still in force? 	<p>The Act section 19 (2), section 24</p>	<p>Alternative options have been considered against a range of factors, including contribution towards sustainable development, and conformity with higher tier policy.</p>	<p>BHLSD8 – Blackhorse Lane AAP Proposed Submission Sustainability Appraisal Report</p> <p>BHLSD16 – Blackhorse Lane AAP Preferred Options</p>
<p>3. Are you having regard to (where relevant):</p> <ul style="list-style-type: none"> • adjoining regional spatial strategies? • the spatial development strategy for London? • Planning Policy for 	<p>The Act sections 19 (2) and 24 (1) and (4)</p> <p>Regulation 10 and 21</p>	<p>The AAP has full regard to the London Plan – which is made clear within the document.</p> <p>Issues raised regarding conformity with the London Plan have been addressed in the proposed submission.</p>	<p>BHLSD1 – Blackhorse Lane AAP Proposed Submission</p> <p>BHLSD4 – Blackhorse Lane AAP Statement of Consultation – Regulation 22(1)(c)</p>

Activity	Statutory requirement	Council response	Evidence provided
<p>Wales?</p> <ul style="list-style-type: none"> the National Planning Framework for Scotland? 			
<p>4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues? Have you discussed doing joint local development documents?</p>	<p>The Act section 33A(2)(a)</p> <p>Section 33A(6)(a)(b)</p> <p>Section 20(5) (c)</p>	<p>The Councils approach to addressing strategic, cross boundary issues is set out in the duty to co-operate statement.</p> <p>A joint Area Action Plan has not been proposed as the ULV OAPF is considered to adequately address cross boundary issues</p>	<p>BHLSD13 – Blackhorse Lane AAP Duty to Cooperate Statement</p>
<p>5. Are you cooperating with a person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary issues including preparing joint approaches?</p>	<p>The Act section 33A(2)(a), section 33A(6)(a)</p> <p>The Act section 20 (5) (c)</p> <p>Regulation 4</p>	<p>The Councils approach to addressing strategic, cross boundary issues is set out in the duty to co-operate statement.</p>	<p>BHLSD13 – Blackhorse Lane AAP Duty to Cooperate Statement</p>
<p>6. Are you cooperating with having regard to the activities of the LEP and</p>	<p>The Act section 33A(2)(b) and section 33A(9).</p>	<p>The Councils approach to addressing strategic, cross boundary issues is set out in the duty to co-operate statement.</p>	<p>BHLSD13 – Blackhorse Lane AAP Duty to Cooperate Statement</p>

Activity	Statutory requirement	Council response	Evidence provided
LNP?	Regulation 4 (2)		
<p>7. Are you having regard to:</p> <ul style="list-style-type: none"> • your sustainable community strategy or of other authorities whose area comprises part of the area of the council? • any other local development documents adopted by the council? 	The Act section19(2)	The AAP conforms with the Councils adopted Core Strategy; which itself provides the spatial interpretation of the Sustainable Community Strategy (indeed they share the same vision). By default, regard has therefore been had to the Sustainable Community Strategy.	<p>KE11 – Our Place in London – Waltham Forest Sustainable Community Strategy</p> <p>KE165 – Waltham Forest Core Strategy</p> <p>AAP Proposed Submission – March 2013</p>
<p>8. Do you have regard to other matters and relevant strategies relating to:</p> <ul style="list-style-type: none"> • resources • the local/regional economy • the local transport plan and transport facilities and services • waste strategies • hazardous substances 	<p>The Act section19(2)</p> <p>Regulation 10</p>	<p>The Council has had regard to the resources of delivery partners and service providers in the preparation of the infrastructure plan.</p> <p>The Mayor has been consulted throughout the preparation of the AAP.</p> <p>Transport policies in the AAP reflect the approach to transport planning as contained in the Council’s Local Transport Implementation Plan.</p>	<p>BHLS1 – Blackhorse Lane AAP Proposed Submission</p> <p>BHLS4 – Blackhorse Lane AAP Statement of Consultation – Regulation 22(1)(c)</p> <p>KE135 – Waltham Forest Local Implementation Plan</p>



planning advisory service

Activity	Statutory requirement	Council response	Evidence provided
		Waste and contamination issues are addressed in higher level documents – where relevant cross references have been made in the AAP in the interests of avoiding unnecessary duplication.	
9. Are you having regard to the need to include policies on mitigating and adapting to climate change?	The Act section19(1A)	The AAP contains a policy supporting the use of decentralised energy in the Upper Lee Valley, and includes cross references to wider Climate Change Policies elsewhere in the Councils Local Plan.	BHLSD1 – Blackhorse Lane AAP Proposed Submission
10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	The Act section19(5) Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	Sustainability Appraisal has been undertaken at each stage of the plan making process, with reports made available for public comment.	BHLSD17 – Blackhorse Lane AAP Preferred Options Sustainability Appraisal Report BHLSD8 – Blackhorse Lane AAP Proposed Submission Sustainability Appraisal Report
11. Are you setting out reasons for any preferences between alternatives?	Regulation 8(2)	Yes. The Preferred Options Paper includes an assessment of different policy options and justifies the Councils preferred approach.	BHLSD15 – Blackhorse Lane AAP Preferred Options Document BHLSD8 – Blackhorse Lane AAP

Activity	Statutory requirement	Council response	Evidence provided
		<p>The Proposed Submission Sustainability Appraisal also includes a commentary of different site options considered and justification for the preferred approach.</p>	<p>Proposed Submission Sustainability Appraisal Report</p>
<p>12. Have you taken into account any representations made on the content of the DPD and the sustainability appraisal? Are you keeping a record?</p>	<p>Regulations 17, 18(3) and 22 (1) (c) (iv)</p> <p>Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>Yes. Consultation Reports have been published at both the Preferred Options and Proposed Submission stages.</p> <p>The Council has considered each comment and prepared a response showing how issues and matters raised have been taken forward. These reports have been published on the Council's website.</p>	<p>BHLSD16 – Blackhorse Lane AAP Preferred Options Public Consultation Report</p> <p>BHLSD4 – Blackhorse Lane AAP Statement of Consultation – Regulation 22(1)(c)</p>
<p>13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to:</p> <ul style="list-style-type: none"> enable you to amend the currently adopted policies map? 	<p>Regulations 5 (1)(b) and 9</p>	<p>The appendices to the Proposed Submission of the AAP make clear what changes are needed to the proposals map.</p> <p>Throughout the document a number of maps are included to clarify where proposals relate.</p>	<p>BHLSD1 – Blackhorse Lane AAP Proposed Submission</p>



planning advisory service

Activity	Statutory requirement	Council response	Evidence provided
<ul style="list-style-type: none"> inform the community about the location of proposals? 			
14. Are the participation arrangements compliant with the SCI?	The Act, section 19(3) Regulation 18	Yes, all consultations have been carried out in accordance with the Statement of Community Involvement.	BHLSD20 - Statement of Community Involvement BHLSD4 – Blackhorse Lane AAP Statement of Consultation – Regulation 22(1)(c)



Stage four: Publication

Under Regulation 20, the period for formal representations takes place **before** the DPD is submitted for examination in accordance with a timetable set out in the statement of the representations procedure which is made available at the council's office and published on its website.

When moving towards publication stage, the council should consider the results of participation on the preferred strategy and sustainability appraisal report and decide whether to make any change to the preferred strategy. In the event that changes are required, the council will need to choose either to:

- do so and progress directly to publication

OR

- produce and consult on a revised preferred strategy.

The latter may be appropriate where the changes to the DPD bring in changed policy or proposals not previously covered in community participation and the sustainability appraisal. It avoids having to treat publication as if it were a consultation, which it is not. It also provides insurance in relation to compliance with the Strategic Environmental Assessment Regulations. Legally, during any participation on a revised preferred strategy, you should:

- comply with the requirements of the SCI
- update the sustainability appraisal report.

The council should then produce the DPD in the form in which it will be published. This includes removing material dealing with the evaluation of alternatives and the finalisation of the text. The council should be happy to adopt the DPD in this form, and satisfied that it is sound and fit for examination.

You should make it clear that publication of a DPD is not public participation, nor a consultation. The six weeks publication period is the opportunity for those dissatisfied (or satisfied) with the DPD to make formal representations to the inspector about its soundness.

The possibility of change under certain circumstances (which should be exceptional) is allowed for in the new procedures, and is described in 'stage five: submission'.



Stage four: Publication

Activity	Statutory requirement	Council response	Evidence provided
1. Have you prepared the sustainability appraisal report?	The Act section 19(5) Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	Yes. A sustainability appraisal report on the AAP Proposed Submission document has been prepared.	BHLSD8 – Blackhorse Lane AAP Proposed Submission Sustainability Appraisal Report
2. Have you made clear where and within what period representations must be made?	Regulation 17, 19, 20 and 35	Representations period ran for 6 weeks using the following methods: Letters/ emails, press/ newspaper advert, website, notices at Waltham Forest libraries.	BHLSD4 – Blackhorse Lane AAP Statement of Consultation – Regulation 22(1)(c)
3. Have you made copies of the following available for inspection: <ul style="list-style-type: none"> • the proposed submission documents? • the statement of the representations 	Regulation 19(a)	All submission documents and statement of representation procedure were made available online, at Waltham Forest libraries, and at Council offices.	BHLSD4 – Blackhorse Lane AAP Statement of Consultation – Regulation 22(1)(c)

Activity	Statutory requirement	Council response	Evidence provided
procedure?			
<p>4. Have you published on your website:</p> <ul style="list-style-type: none"> • the proposed submission documents? • the statement of the representations procedure? • statement and details of where and when documents can be inspected? 	Regulations 19 and 35	Yes. All relevant documents have been published on the Council's website.	<p>Council website - www.walthamforest.gov.uk</p> <p>BHLSD4 – Blackhorse Lane AAP Statement of Consultation – Regulation 22(1)(c)</p>
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> • A copy of each of the proposed submission documents • The statement of the representations procedure? 	Regulation 19(b)	<p>Letters/ emails were sent to specific consultation bodies informing them about the consultation and the representations procedure.</p> <p>Copies of letters sent to specific and general consultation bodies have been included in the Regulation 22 (1) (c) Consultation Statement.</p>	BHLSD4 – Blackhorse Lane AAP Statement of Consultation – Regulation 22(1)(c)
6. Have you sent to each of	Regulation 19(b)	Letters/ emails were sent to specific	BHLSD4 – Blackhorse Lane AAP



planning advisory service

Activity	Statutory requirement	Council response	Evidence provided
<p>the general consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> • the statement of the representations procedure? • where and when the documents can be inspected? 		<p>consultation bodies informing them about the consultation and the representations procedure.</p> <p>Copies of letters sent to specific and general consultation bodies have been included in the Regulation 22 (1) (c) Consultation Statement.</p>	<p>Statement of Consultation – Regulation 22(1)(c)</p>
<p>7. Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the DPD spatial development strategy?</p>	<p>The Act section 24 Regulation 21</p>	<p>The Council sent a letter/ email to the Greater London Authority (GLA). No fundamental issues of general conformity were raised in response.</p>	<p>BHLSD4 – Blackhorse Lane AAP Statement of Consultation – Regulation 22(1)(c)</p> <p>BHLSD5 – Blackhorse Lane Area Action Plan Consultation Report Part 1 – Summary of Representations – Regulation 22 (1) (e)</p> <p>BHLSD6 – Blackhorse Lane Area Action Plan Consultation Report Part 2 – Schedule of Full Representations – Regulation 22 (1) (e)</p>



Stage five: Submission

At the submission stage, the council should receive and collate any representations made at publication stage. You don't have to report these representations to councillors but there may be requirements deriving from other legislation, Standing Orders or council procedures that must be considered. Or you might just think it is a good idea to report on it anyway.

If they are reported it should be on the facts of the representations made, not the results of a consultation process by the council. They should not be treated as a consultation or an opportunity to make changes or answer representations. NB: under the 2012 Regulations there is no longer any requirement to give notice by local advertisement.

You should ensure you are in legal compliance with the SCI, the Habitats Directive and the Strategic Environmental Assessment Directive in any additional work. Any formal publication of additional or changed matters would need to allow at least a six-week period for representations to be made.

There are different approaches that could be taken to changes. You should be satisfied that you remain fully compliant with the legal requirements if any changes are made (and any consequential effects on the DPD as a whole).

Apart from notification of the examination, this tool does not deal with the legal requirements that need to be followed after submission.

Stage five: Submission

Activity	Legal requirement	Council response	Evidence provided
1. Has the DPD been prepared in accordance with the LDS? Does the DPD's listing and description in the LDS match the document?	The Act section 19(1)	The AAP has been prepared in accordance with the Council's LDS. It has met the proposed timescales as reported in the Council's AMR.	BHLS14 – Waltham Forest Local Development Scheme 2013-2016 KE189 – Waltham Forest Annual Monitoring Report 2012-13

Activity	Legal requirement	Council response	Evidence provided
Have the timescales set out in the LDS been met?			
2. Has the DPD had regard to any sustainable community strategy for its area (like a county and district)?	The Act section 19(2)	The AAP has given regard to the Waltham Forest Sustainable Community Strategy (2008).	KE11 – Our Place in London – Waltham Forest Sustainable Community Strategy
3. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?	The Act section 19(3) Regulation 22(1)(c)	The AAP has been prepared in accordance with the Waltham Forest SCI. The Regulation 22 (1) (c) Consultation Statement clearly sets out the consultation carried out on the document.	BHLSD20 - Statement of Community Involvement BHLSD4 – Blackhorse Lane AAP Statement of Consultation – Regulation 22(1)(c)
4. Have you identified and addressed any issues which are likely to have a significant impact on at least two planning areas. In doing so, have you co-operated with other local planning authorities, county councils where they are not a planning authority, LEPs, LNPs and the prescribed bodies in	The Act section 33A(1) and section 20(5)	As set out in the Duty to Cooperate Statement, the AAP has been prepared in accordance with the Mayor’s Upper Lee Valley Opportunity Area Planning Framework; which has involved extensive partnership working with neighbouring boroughs and bodies such as the Lee Valley Regional Park Authority. The Council has also consulted widely specifically on the AAP, as set out in the Regulation 22 (1) (c) Consultation Statement.	BHLSD4 – Blackhorse Lane AAP Statement of Consultation – Regulation 22(1)(c) BHLSD13 – Blackhorse Lane AAP Duty to Cooperate Statement

Activity	Legal requirement	Council response	Evidence provided
<p>identifying and addressing any strategic cross-boundary issues</p> <p>If you have not agreed on the approach is there a justification?</p>			
<p>5. Has the DPD been subject to sustainability appraisal? Has the council provided a final report of the findings of the appraisal?</p>	<p>The Act section 19(5)</p> <p>Regulation 22(1)(a)</p>	<p>The AAP has been subject to an SA at each stage of development.</p>	<p>BHLSD17 – Blackhorse Lane AAP Preferred Options Sustainability Appraisal Report</p> <p>BHLSD8 – Blackhorse Lane AAP Proposed Submission Sustainability Appraisal Report</p>
<p>6. Is the DPD to be submitted consistent with national policy?</p>	<p>The Act section 19(2) and Schedule 8</p>	<p>It is the Council's view that the AAP is in conformity with the NPPF as detailed in the PAS Soundness self-assessment checklist.</p>	<p>BHLSD11 – Blackhorse Lane AAP Soundness Self-Assessment</p>
<p>7. Does the DPD contain any policies or proposals that are not in general conformity with the regional strategy where it still exists? If yes, is there local</p>	<p>The Act section 24(1)(a) and 24(4)</p> <p>Regulation 21</p>	<p>In their response to the Proposed Submission consultation, the GLA have confirmed that the plan is in general conformity with the London Plan.</p>	<p>BHLSD5 - Blackhorse Lane AAP Consultation Report Part 1 – Summary of Representations – Regulation 22 (1) (e)</p> <p>BHLSD6 -Consultation Report Part 2 – Schedule of Full</p>

Activity	Legal requirement	Council response	Evidence provided
<p>justification?</p> <p>If the LPA is a London borough or a mayoral development corporation has it requested an opinion from the Mayor of London on the general conformity of the plan with the spatial development strategy?</p>			<p>Representations – Regulation 22 (1) (e)</p> <p>BHLSD7 – Blackhorse Lane AAP Consultation Report Part 3 – Copies of all Representations – Regulation 22 (1) (d)</p>
<p>8. Has the council published the prescribed documents, and made them available at their principal offices and their website?</p> <p>Has the council notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan?</p> <p>Does the DPD contain a list of superseded saved</p>	<p>The Act section 20(2), 20(3) and 20(5)(b)</p> <p>Regulations 8 and 19</p>	<p>The documents are located in the Council’s primary offices and can be found on the Council’s website.</p> <p>The relevant statutory and non-statutory bodies have been notified and invited to make representations.</p> <p>The AAP does not contain any saved or superseded policies – all UDP policies have been superseded by the Core Strategy and Development Management Policies DPDs – which the AAP has been prepared in conformity with.</p>	<p>BHLSD4 – Blackhorse Lane AAP Statement of Consultation – Regulation 22 (1) (c)</p> <p>Council website - www.walthamforest.gov.uk</p>



planning advisory service

Activity	Legal requirement	Council response	Evidence provided
policies?			
<p>9. Are there any policies applying to sites or areas by reference to an Ordnance Survey map or to amend an adopted policies map?</p> <p>If yes, have you prepared a submission policies map?</p>	<p>Regulations 5(1) (b), 9 (1), 17 & 22(1)</p>	<p>Changes to the policy map from the AAP are outlined in Appendix 3 of the document</p>	<p>BHLSD1 – Blackhorse Lane AAP Proposed Submission</p>
<p>10. Is the DPD consistent with any other adopted DPDs for the area? If the DPD is intended to supersede any adopted development plan policies, does it state that fact and identify the superseded policies?</p>	<p>Regulation 8(3) and (4)</p> <p>Regulation 8(5)</p>	<p>The AAP is consistent with the Core Strategy and Development Management Policies DPD. It is not intended to supersede any adopted development plan policies.</p>	<p>KE165 – Waltham Forest Core Strategy</p> <p>KE181 – Waltham Forest Development Management Policies</p>
<p>11. Have you prepared a statement setting out:</p> <ul style="list-style-type: none"> Which bodies and persons were invited to make representations under Regulation 18? 	<p>The Act section 20 (3)</p> <p>Regulation 22(1)(c)</p>	<p>All information presented in consultation reports.</p>	<p>BHLSD4 – Blackhorse Lane AAP Statement of Consultation – Regulation 22 (1) (c)</p> <p>BHLSD5 - Blackhorse Lane AAP Consultation Report Part 1 –</p>



planning advisory service

Activity	Legal requirement	Council response	Evidence provided
<ul style="list-style-type: none"> • How they were invited? • A summary of the main issues raised? • How the representations have been taken into account? 			<p>Summary of Representations – Regulation 22 (1) (e)</p> <p>BHLSD6 -Consultation Report Part 2 – Schedule of Full Representations – Regulation 22 (1) (e)</p> <p>BHLSD7 – Blackhorse Lane AAP Consultation Report Part 3 – Copies of all Representations – Regulation 22 (1) (d)</p> <p>BHLSD3- Blackhorse Lane AAP – Summary of Main Issues – Regulation 22 (1) (c) (v)</p>
<p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> • the number of representations made under Regulation 22? • a summary of the main issues raised? <p>OR</p> <ul style="list-style-type: none"> • that no representations 	<p>The Act section 20(3)</p> <p>Regulation 22(1)(c)</p>	<p>All information presented in consultation reports.</p>	<p>BHLSD4 – Blackhorse Lane AAP Statement of Consultation – Regulation 22 (1) (c)</p> <p>BHLSD3- Blackhorse Lane AAP – Summary of Main Issues – Regulation 22 (1) (c) (v)</p>

Activity	Legal requirement	Council response	Evidence provided
were made?			
13. Have you collected together all the representations made under Regulation 28?	The Act section 20(3) Regulation 22(1)(e)	All are provided in Proposed Submission Consultation Reports	BHLSD6 -Consultation Report Part 2 – Schedule of Full Representations – Regulation 22 (1) (e) BHLSD7 – Blackhorse Lane AAP Consultation Report Part 3 – Copies of all Representations – Regulation 22 (1) (d)
14. Have you assembled the relevant supporting documents?	The Act section 20(3) Regulation 22(1)(g)	All evidence base documents are in the evidence base library and the Council website	Blackhorse Lane AAP Evidence Base Library Council website – www.walthamforest.gov.uk
15. Has your council approved the DPD for submission?	The Act section 20	The Council has approved the submission of the AAP as demonstrated in the Statement of Consultation – Regulation 22 (1) (c)	BHLSD4 – Blackhorse Lane AAP Statement of Consultation – Regulation 22 (1) (c)
16. Have you sent the Secretary of State (the Planning Inspectorate) both a paper copy and an email of the following: <ul style="list-style-type: none">the DPD?	The Act section 20(1) and 20(3) Regulations 22(1) and 22(2)	All the relevant documents have been sent to the Secretary of State (the Planning Inspectorate) both in paper and electronic form	Sent to the Planning Inspectorate on 28 th Feb 2014

Activity	Legal requirement	Council response	Evidence provided
<ul style="list-style-type: none"> the submission policies map (unless there are no site allocation policies)? the documents prescribed in Regulation 22(1)? 			
<p>17. Have you made the following available at the same places where the proposed submission documents were to be seen:</p> <ul style="list-style-type: none"> The DPD? The documents prescribed in Regulation 22(1)? 	Regulation 22(3)	These documents are available at the Councils offices and libraries, and can be found on the Councils website.	<p>Blackhorse Lane AAP Evidence Base Library</p> <p>Council website – www.walthamforest.gov.uk</p>
<p>18. On your website, have you published the:</p> <ul style="list-style-type: none"> DPD? submission policies map? sustainability appraisal report? Regulation 22(1)(c) 	Regulation 22(3) and 35(1)(b)	These documents are available on the Councils website	Council website – www.walthamforest.gov.uk

Activity	Legal requirement	Council response	Evidence provided
<p>statement?</p> <ul style="list-style-type: none"> • supporting documents (where practicable) ? • representations made under Regulation 20 (where practicable) ? • statement as to where and when the DPD and the documents are available? 			
<p>19. For each general consultation body invited to make representations under Regulation 18(1), have you sent:</p> <ul style="list-style-type: none"> • notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection • where and when they can be inspected? 	Regulation 22(3)(b)	Each general consultation body invited to make representations has been notified by either email or letter, and by public notice	Council website – www.walthamforest.gov.uk
<p>20. Have you given notice to persons who have requested to be notified that submission has taken</p>	Regulation 22(3)(c)	Notice has been given to persons who have requested to be notified that submissions has taken place, either by email or letter,	i. Copies of correspondence Council website – www.walthamforest.gov.uk



planning advisory service

Activity	Legal requirement	Council response	Evidence provided
place?		and by public notice	
<p>21. If an examination is being held, at least six weeks before its opening has the Programme Officer:</p> <ul style="list-style-type: none"> • published the time and place of the examination and the name of the person appointed to carry out the examination on your website? • notified those who have made representations on the published DPD which have not been withdrawn of these details? 	<p>The Act section 20 Regulations 24 and 35</p>	<p>Programme officer has been appointed and details forwarded to the Planning Inspectorate</p>	